

U.S. Appln. No. 09/604,285 - GATTO et al.

REMARKS

Applicants respectfully submit this Amendment to edit claims and add a new claim 81, which new claim was otherwise set to be included in an Examiner's Amendment.

It is thought a Notice of Allowance can issue upon submission of a Supplemental reissue oath.

Rule 133 Statement

Applicants' representative acknowledges with appreciation the courtesy during a telephone discussion conducted on Thursday, June 10, 2004, with Examiner Knode concerning the status of the application and the need for a Supplemental Reissue Oath. It was suggested that the claims as amended via an Examiner's Amendment based on the claims discussed with Examiner Toomer on or about March 4, 2004 be presented freshly in a formal amendment. It was understood that such claims would be entered and that the Amendment of February 20, 2004 had already been entered.

The claims, including the amended claims

The Examiners previously requested Applicants to supply a list of claims pursuant to 37 C.F.R. 1.121(b). To comply with the Examiners' request, and in an effort to be consistent with what appears to be the directive in MPEP 1453, 37 C.F.R. §1.121(i) and §1.173, all reissue claims are presented with underlining. Brackets or strike outs to show amendments to pending but 'new' reissue claims do not appear to be required according to MPEP 1453 and Rule 173.

Upon entry of this Amendment, claims 22, 23, 25-40, 42-52, 56-80 and 81 will be presented for examination. Claims 25-40, 42-52, 56-63, 65-74 and 76-80 are included in the listed claims as a courtesy so as to provide the Examiners with one set of claims for their review. It is thought that such previously submitted 'new' reissue claims are supported in Applicants' original specification throughout, including passages cited in prior submissions.

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Attention is respectfully invited to the reissue oath and the to be filed Supplemental Reissue Oath. The claims are supported by the original specification and there is thought to be no new matter.

Reissue claims 22 and 23 remain pending. Amended claim 22 and amended claim 23 are presented in accordance with 37 C.F.R. 1.173 and MPEP 1453 and include the language discussed with Examiner Toomer on or about March 4, 2004, which amended claims were to be included with an Examiner's Amendment to accompany a Notice of Allowability.

Amended claim 31 corrects the spelling of quantity as discussed previously with Examiner Toomer.

Amended claims 34, 37 and 50 involve corrected punctuation, namely changing a "." after "33" to a "," in claim 34; changing a "." after "46" to a "," in claim 50; and inserting a "," after "33" in claim 37.

In amended claim 50 the range of carbon atoms is expressed as "4 to 18 carbon atoms" based on the specification at column 6, lines 9-10.

Amended claim 64 finds basis in the original specification throughout as discussed with Examiner Toomer on or about March 4, 2004 as well as for the reasons in the February 20, 2004 Amendment. Attention is invited, for instance, to column 5, lines 54-56, among other passages.

Amended claim 75 corrects the dependency as discussed previously with Examiner Toomer.

New claim 81 was previously discussed with Examiner Toomer and was discussed on June 10, 2004 with Examiner Knode. It was also presented to Examiner Toomer on March 4, 2004 and was authorized to be included in an Examiner's Amendment. It was

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recommended on June 10, 2004 that claim 81 be included in a fresh Amendment and it is included herein for that reason. The support for claim 81 can be found throughout the specification. Attention is drawn to the support for claims 22 and 23 and to column 6, line 54.

The claims presented herein do not present any new issues. The claims were previously presented and were, upon present information and belief, to be subject to a Notice of Allowability that would be mailed upon favorable outcome of an independent review within the PTO. It is noted that the public "pair" system shows the Notice of Allowability. It is understood that such independent review has been completed and that this case is now in condition for allowance upon submission of a suitable Supplemental Reissue Oath. It was suggested in the above-referenced telephone discussion with Examiner Knode that the claims that were to be amended in the Examiner's Amendment slated to accompany the Notice of Allowability be included in a formal Amendment, which suggestion is being followed with this submission.

Conclusion

Applicants respectfully solicit favorable action. A Supplemental Reissue Oath is being filed. If the Examiner has any questions, please contact the undersigned. Otherwise, a Notice of Allowance is earnestly, but respectfully, solicited.

Respectfully submitted,

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